

2010 No. 987 (C. 66)

HUMAN FERTILISATION AND EMBRYOLOGY

**The Human Fertilisation and Embryology Act 2008
(Commencement No.3) Order 2010**

Made - - - - - *24th March 2010*

Coming into force - - - - - *6th April 2010*

The Secretary of State, in exercise of the powers conferred by sections 61 and 68 of the Human Fertilisation and Embryology Act 2008(a) makes the following Order.

Citation

1.—(1) This Order may be cited as the Human Fertilisation and Embryology Act 2008 (Commencement No.3) Order 2010.

Commencement

2. 6th April 2010 is the day appointed for the coming into force of the following provisions of the Human Fertilisation and Embryology Act 2008—

- (a) section 25 (restrictions on disclosure of information) in so far as not already in force;
- (b) section 26 (mitochondrial donation) in so far as not already in force;
- (c) section 54 (parental orders) in so far as not already in force;
- (d) section 56 (amendments relating to parenthood in cases involving assisted reproduction) in so far as not already in force;
- (e) section 57 (repeals and transitional provision relating to Part 2) in so far as not already in force;
- (f) section 66 (repeals and revocations) in so far as not already in force;
- (g) Schedule 6 (amendments relating to parenthood in cases involving assisted reproduction) in so far as not already in force; and
- (h) Schedule 8 (repeals and revocations) in so far as not already in force.

Signed by authority of the Secretary of State for Health.

24th March 2010

Gillian Merron
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 6th April 2010 the remaining provisions of the Human Fertilisation and Embryology Act 2008 (“the 2008 Act”) so far as they are not already in force by virtue of the Human Fertilisation and Embryology Act 2008 (Commencement No.1 and Transitional Provisions) Order 2009(a) and the Human Fertilisation and Embryology Act 2008 (Commencement No.2 and Transitional Provision) and (Commencement No.1 Amendment) Order 2009(b).

This Order brings into force section 54 of the 2008 Act, which makes new provision to enable parental orders to be granted not only to married couples but also to civil partners and two persons living as partners in an enduring family relationship, provided certain conditions are met. The current provision for parental orders in section 30 of the Human Fertilisation and Embryology Act 1990 (“the 1990 Act”) is repealed by this Order, although Orders made before 6th April 2010 under section 30 will remain valid. This Order also brings into force provisions which update the information provisions and powers relating to mitochondrial donation in the 1990 Act to reflect the new forms of parental orders.

Provision is also made to commence the remaining consequential amendments in Schedule 6 to amend other legislation affected by the new parental orders including, for example, legislation relating to child maintenance.

There are no other provisions under the 2008 Act to bring into force.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Human Fertilisation and Embryology Act 2008 have been brought into force by a commencement order made before the date of this Order:

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Sections 1 to 7	01.10.2009	2009/2232
Section 8 (partially)	06.04.2009	2009/479
Section 8 (fully)	01.10.2009	2009/2232
Sections 9 to 13	01.10.2009	2009/2232
Section 14 (partially)	06.04.2009	2009/479
Section 14 (fully)	01.10.2009	2009/2232
Section 15 (partially)	06.04.2009	2009/479
Section 15 (fully)	01.10.2009	2009/2232
Sections 16 to 18	01.10.2009	2009/2232
Section 19 (partially)	06.04.2009	2009/479
Section 19 (fully)	01.10.2009	2009/2232
Section 20	01.10.2009	2009/2232
Section 21 (partially)	06.04.2009	2009/479
Section 21 (fully)	01.10.2009	2009/2232
Sections 22 and 23	01.10.2009	2009/2232
Section 24 (partially)	06.04.2009	2009/479
Section 24 (fully)	01.10.2009	2009/2232
Section 25 (partially)	06.04.2009	2009/479
Section 25 (partially)	01.10.2009	2009/2232

(a) S.I. 2009/479, amended by S.I. 2009/2232.

(b) S.I. 2009/2232.

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. Number</i>
Section 26 (partially)	01.10.2009	2009/2232
Sections 27 to 29	01.10.2009	2009/2232
Section 30	06.04.2009	2009/479
Section 31	01.10.2009	2009/2232
Section 32	01.10.2009	2009/2232
Section 33 to 53	06.04.2009	2009/479
Section 54 (partially)	01.10.2009	2009/2232
Section 55	01.10.2009	2009/2232
Section 56 (partially)	06.04.2009	2009/479
Section 56 (partially)	01.09.2009	2009/479
Section 57 (partially)	06.04.2009	2009/479
Section 58	06.04.2009	2009/479
Section 59	01.10.2009	2009/2232
Section 60	01.10.2009	2009/2232
Section 65 (partially)	06.04.2009	2009/479
Section 65 (fully)	01.10.2009	2009/2232
Section 66 (partially)	06.04.2009	2009/479
Section 66 (partially)	01.09.2009	2009/479
Schedule 1	01.10.2009	2009/2232
Schedule 2	01.10.2009	2009/2232
Schedule 3	01.10.2009	2009/2232
Schedule 4	06.04.2009	2009/479
Schedule 5	01.10.2009	2009/2232
Schedule 6 (partially)	06.04.2009	2009/479
Schedule 6 (partially)(a)	01.09.2009	2009/479
Schedule 7 (partially)	06.04.2009	2009/479
Schedule 7 (fully)	01.10.2009	2009/2232
Schedule 8 (partially)	06.04.2009	2009/479
Schedule 8 (partially)	01.09.2009	2009/479
Schedule 8 (partially)	01.10.2009	2009/2232

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(a) Article 6(2) of S.I. 2009/479, which partially commenced provisions in Schedule 6, was amended by S.I. 2009/2232, article 3.

STATUTORY INSTRUMENTS

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